

section (a) of this section and the fact of publication of a notice under subsection (b) of this section shall be admissible into evidence in any judicial or administrative proceeding.

(2) No action by the Attorney General or the Commission taken pursuant to this section shall be admissible into evidence in any such proceeding for the purpose of supporting or answering any claim under the antitrust laws or under any State law similar to the antitrust laws.

(Pub. L. 98-462, §6, Oct. 11, 1984, 98 Stat. 1818; Pub. L. 103-42, §3(f), June 10, 1993, 107 Stat. 119; Pub. L. 108-237, title I, §107, June 22, 2004, 118 Stat. 664.)

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-237, §107(1), designated existing provisions as par. (1), redesignated former pars. (1) to (3) as subpars. (A) to (C), respectively, of par. (1), and added par. (2).

Subsec. (b). Pub. L. 108-237, §107(2), inserted “, or a notice with respect to such standards development activity that identifies the standards development organization engaged in such activity and that describes such activity in general terms” before period at end of first sentence and “or available to such organization, as the case may be” before period at end of last sentence.

Subsec. (d)(2). Pub. L. 108-237, §107(3), inserted “, or the standards development activity,” after “venture”.

Subsec. (e). Pub. L. 108-237, §107(4), substituted “person or standards development organization that” for “person who” and inserted “or any standards development organization” after “on any person”.

Subsec. (g)(1). Pub. L. 108-237, §107(5), inserted “or standards development organization” after “person”.

1993—Pub. L. 103-42, §3(f)(1), substituted “joint venture” for “joint research and development venture” in section catchline.

Subsec. (a). Pub. L. 103-42, §3(f)(2), (3), substituted “joint venture” for “joint research and development venture” and “October 11, 1984” for “the date of the enactment of this Act” and added par. (3).

Subsecs. (d)(2), (e). Pub. L. 103-42, §3(f)(3), substituted “joint venture” for “joint research and development venture”.

REPORTS ON JOINT VENTURES AND UNITED STATES COMPETITIVENESS

Section 4 of Pub. L. 103-42 provided that:
 “(a) PURPOSE.—The purpose of the reports required by this section is to inform Congress and the American people of the effect of the National Cooperative Research and Production Act of 1993 [15 U.S.C. 4301 et seq.] on the competitiveness of the United States in key technological areas of research, development, and production.
 “(b) ANNUAL REPORT BY THE ATTORNEY GENERAL.—In the 30-day period beginning at each 1-year interval in the 6-year period beginning on the date of the enactment of this Act [June 10, 1993], the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate—
 “(1) a list of joint ventures for which notice was filed under section 6(a) of the National Cooperative Research and Production Act of 1993 [15 U.S.C. 4305(a)] during the 12-month period for which such report is made, including—
 “(A) the purpose of each joint venture;
 “(B) the identity of each party described in section 6(a)(1) of such Act; and
 “(C) the identity and nationality of each person described in section 6(a)(3) of such Act; and
 “(2) a list of cases and proceedings, if any, brought during such period under the antitrust laws by the Department of Justice, and by the Federal Trade

Commission, with respect to joint ventures for which notice was filed under such section at any time.

“(c) TRIENNIAL REPORT BY THE ATTORNEY GENERAL.—In the 30-day period beginning at each 3-year interval in the 6-year period beginning on the date of the enactment of this Act [June 10, 1993], the Attorney General, after consultation with such other agencies as the Attorney General considers to be appropriate, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a description of the technological areas most commonly pursued by joint ventures for production for which notice was filed under section 6(a) of the National Cooperative Research and Production Act of 1993 [15 U.S.C. 4305(a)] during the 3-year period for which such report is made, and an analysis of the trends in the competitiveness of United States industry in such areas.

“(d) REVIEW OF ANTITRUST TREATMENT UNDER FOREIGN LAWS.—In the three 30-day periods beginning 1 year, 3 years, and 6 years after the date of the enactment of this Act [June 10, 1993], the Attorney General, after consultation with such other agencies as the Attorney General considers to be appropriate, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the antitrust treatment of United States businesses with respect to participation in joint ventures for production, under the law of each foreign nation any of whose domestic businesses disclosed its nationality under section 6(a)(3) of the National Cooperative Research and Production Act of 1993 [15 U.S.C. 4305(a)(3)] at any time.”

§ 4306. Application of section 4303 protections to production of products, processes, and services

Notwithstanding sections 4303 and 4305 of this title, the protections of section 4303 of this title shall not apply with respect to a joint venture’s production of a product, process, or service, as referred to in section 4301(a)(6)(D) of this title, unless—

- (1) the principal facilities for such production are located in the United States or its territories, and
- (2) each person who controls any party to such venture (including such party itself) is a United States person, or a foreign person from a country whose law accords antitrust treatment no less favorable to United States persons than to such country’s domestic persons with respect to participation in joint ventures for production.

(Pub. L. 98-462, §7, as added Pub. L. 103-42, §3(g), June 10, 1993, 107 Stat. 119.)

CHAPTER 70—COMPREHENSIVE SMOKELESS TOBACCO HEALTH EDUCATION

Sec.	
4401.	Public education.
4402.	Smokeless tobacco warning.
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4404.	Enforcement, regulations, and construction.
4405.	Injunctions.
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§ 4401. Public education

(a) Development

(1) The Secretary of Health and Human Services shall establish and carry out a program to inform the public of any dangers to human